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August 26, 1994

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Responsible Party Search Section

USEPA Region V

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Chicago, Illinois 60604-3590

RECEIVED
AUG 30 1994

SUPERFUND PROGRAM
MANAGEMENT BRANCH

**Re: Request for Information Pursuant to Section 104(e) of CERCLA for
the Sauget Area 1 Sites in Sauget Illinois**

Dear Ms. Adams:

This office represents Cerro Copper Products Company in conjunction with the above referenced information request. In accordance with agreements reached with Thomas J. Martin of the Office of Regional Counsel, Cerro is required to make an initial production which is to consist of information in Cerro's possession relating to Site G, information relating to other parties potentially responsible for the Area 1 Sites and documents that Cerro has gathered in conjunction with the lawsuit styled Cerro Copper Products Company v. Monsanto Company, currently pending in the United States District Court for the Southern District of Illinois. The balance of Cerro's response to the information request will be due on October 17, 1994.

In accordance with this agreement, we enclose as Attachment 1 documents that Cerro has collected relating to Site G. We enclose as Attachment 2 documents that Cerro has collected relative to other parties potentially responsible for the Area 1 sites. We enclose as Attachment 3 indices either to documents that Cerro has produced to Monsanto from its own files

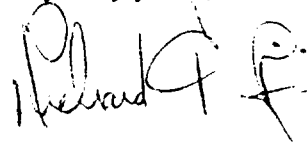
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or collected pursuant to third party subpoenas or FOIA requests. We note that certain documents included in these indices may relate to Site G and/or other PRPs, and such documents have not been separately produced, although we would be happy to do so. We will make the documents covered by the indices available for inspection and copying at a mutually convenient time and place.

We note in this regard that the information request calls for production of all documents in Cerro's possession relating to the litigation, including documents obtained in discovery. While Cerro has obtained through discovery a large number of documents from Monsanto which are responsive to your information request, we are currently prohibited from producing those documents by the terms of a Protective Order entered by the Court on November 17, 1993, a copy of which order we previously forwarded to Mr. Martin. Cerro takes very seriously its obligations under section 104(e) of CERCLA to produce responsive information in its possession, custody or control. To that end, Cerro has proposed to Monsanto that both companies agree to waive the Protective Order's provisions precluding disclosure so that each company can respond fully to the information request. Monsanto has not yet responded to this proposal. Production of documents covered by the Protective Order without a waiver by Monsanto or a modification of the Order could place Cerro in contempt of Court. Accordingly, we respectfully request that the Agency excuse Cerro from producing to the Agency those documents that it has received from Monsanto under a designation of confidentiality pursuant to the Protective Order. If the agency is unable to so excuse Cerro, then we request that you so advise us as soon as possible so that, in the event we are unable to reach an agreement with Monsanto, we can advise the Court of the outstanding Agency request and take whatever steps are necessary to assure that we can meet our obligations both to the Agency under section 104 and to the Court under its Protective Order.

We thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard F. Ricci", with a stylized flourish at the end.

Richard F. Ricci

RFR:ljc